

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5341
6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2009-323

12 **ISAAC GIDEON WALULYA**
1042 Parkside Drive
13 Vacaville, California 95688

A C C U S A T I O N

14 Registered Nurse License No. 671262

15 Respondent.

16
17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about December 28, 2005, the Board issued Registered Nurse
24 License Number 671262 ("license") to Isaac Gideon Walulya ("Respondent"). The license will
25 expire on February 28, 2011, unless renewed.

26 **JURISDICTION**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license.

6 5. Code section 118, subdivision (b), provides that the suspension,
7 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
8 proceed with a disciplinary action during the period within which the license may be renewed,
9 restored, reissued or reinstated.

10 STATUTORY PROVISIONS

11 6. Code section 2761 states, in pertinent part:

12 The board may take disciplinary action against a certified or
13 licensed nurse or deny an application for a certificate or license for any of
the following:

14 (f) Conviction of a felony or of any offense substantially
15 related to the qualifications, functions, and duties of a registered nurse, in
16 which event the record of the conviction shall be conclusive evidence
thereof.

17 7. Code section 2762 states, in pertinent part:

18 In addition to other acts constituting unprofessional conduct
19 within the meaning of this chapter [the Nursing Practice Act], it is
20 unprofessional conduct for a person licensed under this chapter to
do any of the following:

21 (b) Use any controlled substance as defined in Division
22 10 (commencing with Section 11000) of the Health and Safety
23 Code, or any dangerous drug or dangerous device as defined in
24 Section 4022, or alcoholic beverages, to an extent or in a manner
dangerous or injurious to himself or herself, any other person, or
the public or the extent that such use impairs his or her ability to
conduct with safety to the public the practice authorized by his or
her license.

25 (c) Be convicted of a criminal offense involving the
26 prescription, consumption, or self-administration of any of the
27 substances described in subdivisions (a) and (b) of this section, or
the possession of, or falsification of a record pertaining to, the
28 substances described in subdivision (a) of this section, in which
event the record of the conviction is conclusive evidence thereof.

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Criminal Convictions)**

8 9. Respondent has subjected his license to disciplinary action under Code
9 section 2761, subdivision (f), in that Respondent was convicted of crimes substantially related to
10 the qualifications, functions or duties of a registered nurse, as follows:

11 a. On or about January 31, 2008, in the Superior Court of California, County
12 of Solano, in the case entitled, *People of the State of California v. Isaac Gideon Walulya* (Super.
13 Ct. Solano County, 2007, Case No. FCR251380 FI), Respondent was convicted on his plea of
14 nolo contendere of violating Penal Code section 485 (Petty Theft), an infraction. The
15 circumstances of the crime are that on or about December 18, 2007, Respondent did unlawfully
16 appropriate a Visa/Debit Card.

17 b. On or about September 2, 2008, in the Superior Court of California,
18 County of Solano, in the case entitled, *People of the State of California v. Isaac Gideon Walulya*
19 (Super. Ct. Solano County, 2008, Case No. FCR253115 M3), Respondent was convicted on his
20 plea of nolo contendere of violating Vehicle Code section 23103.5 (Reckless Driving - Alcohol
21 Related), a misdemeanor. The circumstances of the crime are that on or about February 24,
22 2008, Respondent did unlawfully drive a vehicle, while having .08% or More Blood Alcohol
23 Content.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Criminal Conviction Involving the Consumption of Alcohol)**

26 10. Respondent is subject to disciplinary action under Code section 2761,
27 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,

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1 subdivision (c), in that Respondent was convicted of a crime involving the consumption of an
2 alcoholic beverage, as set forth in paragraph 9, subparagraph b, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Use an Alcoholic Beverage to the Extent or**
5 **in a Manner Dangerous or Injurious to Herself or Others)**


6 11. Respondent is subject to disciplinary action under Code section 2762,
7 subdivision (a), on the grounds of unprofessional conduct on the grounds of unprofessional
8 conduct, as defined in Code section 2762, subdivision (b), in that on or about February 24, 2008,
9 Respondent consumed alcoholic beverages to an extent or in a manner dangerous or injurious to
10 himself or others, as set forth paragraph 9, subparagraph b, above.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 14 1. Revoking or suspending Registered Nurse License Number 671262 issued
15 to Isaac Gideon Walulya;
16 2. Ordering Isaac Gideon Walulya to pay the Board the reasonable costs of
17 the investigation and enforcement of this case, pursuant to Code section 125.3;
18 3. Taking such other and further action as deemed necessary and proper.

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20 DATED: 6/18/09

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23 
RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
Complainant